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Date: July 1, 2003

Docket No.: 0020-5147P



MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a  continuation  divisional  
 continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/458,024 filed on December 10,  
1999, the entire contents of which are hereby incorporated by  
reference,  
by

Yoshinori SHIMIZU; Kensho SAKANO; Yasunobu NOGUCHI; and  
Toshio MORIGUCHI

for

LIGHT EMITTING DEVICE WITH BLUE LIGHT LED AND PHOSPHOR COMPONENTS

1.  Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if applicable).
2.  The filing fee has been calculated as follows:

		LARGE ENTITY		SMALL ENTITY	
BASIC FEE		\$750.00		\$375.00	
	NUMBER FILED	NUMBER EXTRA	RATE FEE	RATE FEE	
TOTAL CLAIMS	11-20 =	0	x 18 = \$0.00	x 9 = \$0.00	
INDEPENDENT CLAIMS	1-3 =	0	x 84 = \$0.00	x 42 = \$0.00	
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00	
		TOTAL	\$750.00	\$0.00	

3.  A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.

4.  Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.

5. Amend the specification by inserting before the first line thereof the following:

a.  --This application is a  continuation  divisional  continuation-in-part of co-pending Application No. 09/458,024, filed on December 10, 2003, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. filed in on under 35 U.S.C. § 119.--

b.  --This application is a  continuation  divisional  continuation-in-part of co-pending Application No. 09/458,024, filed on December 10, 2003 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/458,024 is the national phase of PCT International Application No. PCT/\_\_\_\_/\_\_\_\_ filed on \_\_\_\_ under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. filed in on under 35 U.S.C. § 119.--

6.  Enclosed is/are nineteen (19) sheet(s) of formal drawings and/or photographs.

7a.  A statement claiming small entity status was filed in prior Application No. 09/458,024 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.

7b.  The current application qualifies for small entity status.

8.  The prior application is assigned to Nichia Kagaku Kogyo Kabushiki Kaisha.

9.  A Preliminary Amendment is enclosed.

10a.  Priority of Application No(s). 8-198585, 8-244339, 8-245381, 8-359004, and 9-081010 filed in Japan on July 29, 1996, September 17, 1996, September 18, 1996, December 27, 1996, and March 31, 1997, respectively is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on July 29, 1997.

10b.  Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and \_\_\_\_\_ Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.

11.  An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

12.  Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
or  
Customer No. 002292

13.  An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/458,024 in order to establish co-pendency with the present application.

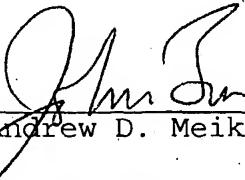
14.  Also enclosed herewith is the following:  
  
\_\_\_\_\_  
\_\_\_\_\_

Docket No. 0020-5147P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32,887  
Andrew D. Meikle, #32,868

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*gm*  
ADM/EHC/mua  
0020-5147P

Attachment(s)

(Rev. 04/30/03)